

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
at Santa Fe, NM

JAN 10 2001

ROBERT M. MARCH, Clerk
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*

State Engineer,

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM

Rio Gallina, Section 5

ANSWER TO COMPLAINT FOR ADJUDICATION OF WATER RIGHTS

COMES NOW GENEVIEVE M. VELASQUEZ (please print your full name)
GENEVIEVE M. VELASQUEZ

and answers the complaint as follows:

Subfile No

CHGA-02-0027A

Object

☒

Claim No Right

☐

1. In answer to Complaint: For each subfile listed above, please **initial** in one of the two boxes to indicate whether you object to the description of water right(s) contained in the State's proposed Consent Order, or whether you make no claim as to the water right(s) described in the State's proposed Consent Order.

If you object to the description of water right(s) and reject the State's proposed Consent Order, or if you make no claim as to the water right(s) set forth in the State's proposed Consent Order for any of the Subfile Numbers listed above, for each such Subfile Number please explain in the appropriate spaces below.

I object to the description of the water right(s) described by Subfile Number(s) _____
_____ because

SEE ATTACHED.

6102

(Attach additional pages if necessary)

I made a good faith effort to resolve my disagreement with the State's proposed Consent Order by

SEE ATTACHED.

(Attach additional pages if necessary)

I claim no right for the water right(s) described by Subfile Number(s) _____ because

(Attach additional pages if necessary)

2. I understand that by making this claim and filing this document I am not waiving my rights to later raise, in an Amended Answer, any jurisdictional or affirmative defenses I may have.

Dated: _____

1/9/01

Genevieve M. Velasquez
(Signature - GENEVIEVE M. VELASQUEZ)
3505 Sicily Rd NW
Albuquerque, NM 87114

(Address: Print Clearly)

(505) 922-0981

(Phone Number: Print Clearly)

IMPORTANT: If you have been served with a summons and copy of the complaint in this action, or if you have waived service of process, you must file an answer in the United States District Court for the District of New Mexico within 20 days after being served with the summons and complaint, or if service of the summons has been timely waived on request under rule 4(d), within 60 days after the date when the request for waiver was sent, or within 90 days after that date if the defendant was addressed outside any judicial district of the United States. Any right you may have to use waters of the stream system may be adjudicated by default judgment in conformity with the State's proposed Consent Order if you fail to file an answer. The court's address is: 333 Lomas NW, Suite 270, Albuquerque, NM 87102, or P.O. Box 2384, Santa Fe, NM 87504. A copy of the answer filed with the district court must also be sent to the Office of the State Engineer, Legal Services Division, P.O. Box 25102, Santa Fe, NM 87504-5102.

Addendum to Answer for Subfile CHGA-02-0027A

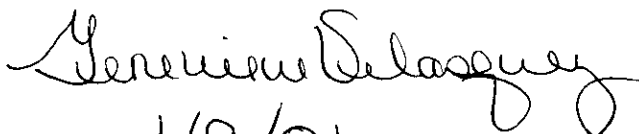
I object to the description of the water rights described by this Subfile because of various reasons, as set forth below.

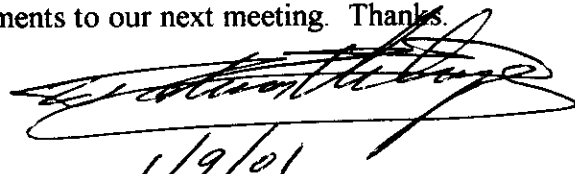
1. The description incorrectly identifies ownership of the property. The property is jointly owned by Luis Tobias Velasquez, Genevieve M. Velasquez, Gabriel Maestas Jr., and Mary Ann Maestas.
2. The description denies water rights to area B0.9 ac, which we still claim because the area has historically been irrigated as testified to by Gabriel Maestas, Jr. in the affidavit attached. As shown in the attached aerial photo, a verbal claim for the north part of this area has been omitted. Dark lines indicate the boundary and the blue highlight indicates the ditch path.
3. The description does not include approximately 1.0 acre, west of the tract above, previously claimed but omitted. See attached aerial photo.
4. The stock pond is not shown within the irrigated boundary, which is inconsistent with other offers in the adjudication.

I made a good faith effort to resolve my disagreement with the State's proposed Consent Order by addressing each item above, respectively, as follows.

1. We provided copies of warranty deeds showing current ownership at the Field Office Session held by State Engineer personnel on 10 June 2000.
2. Gabriel Maestas, Jr. and I accompanied State Engineer personnel and Wilfred Rael, and described on the ground how irrigation occurs on this area of land, tract B0.9 ac., on 10 June 2000, which the state denied. At this time we made a verbal claim to State Engineer personnel for the north part of this tract, which was omitted. Gabriel Maestas, Jr. also accompanied State Personnel on 17 August 2000 and 2 November 2000 and provided the same information a second and third time.
3. A verbal claim was made for this omitted tract to State Engineer personnel on 10 June 2000 during the field office session and inspection as mentioned above. Gabriel Maestas, Jr. also accompanied State Personnel on 17 August 2000 and 2 November 2000 and provided the same information a second and third time.
4. Because of incorrect identification of ownership, this answer is for our first Consent Order. In preparation of this answer, we discovered the inconsistency regarding the ponds.

I would like to set up a time to meet with you. Please bring the field notes of the 1960 field inspection and all relevant aerial photo enlargements to our next meeting. Thanks.


1/9/01


1/9/01



Legend

- Irrigated Tract Boundary
- No Right Tract Boundary
- Operable Ditch
- Inoperable Ditch
- Stock Pond / Reservoir
- Point of Diversion
- ⊙ Fallow

Scale
1 inch = 200 feet

100 0 100 200 Feet

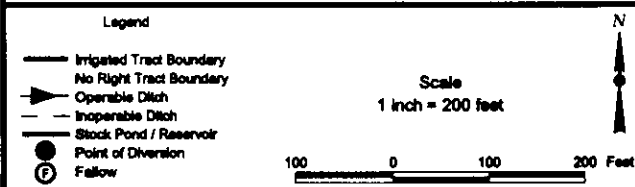
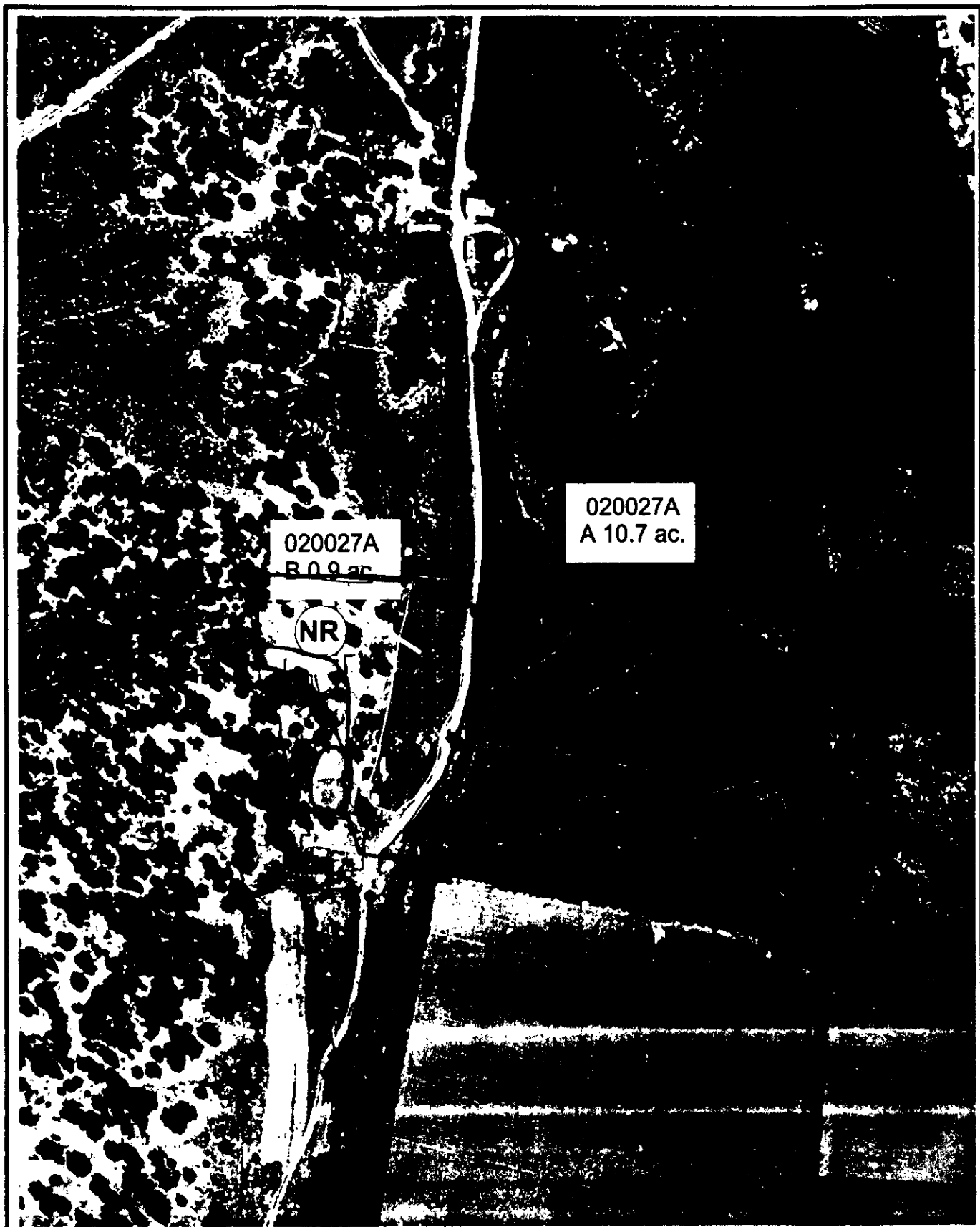


STATE OF NEW MEXICO
Office of the State Engineer
Thomas C. Turney, State Engineer

Rio Chama Hydrographic Survey
RIO GALLINA SECTION

Subfile Number
CHGA-020027A
Cordova/Martinez Ditch
AMENDED Dec. 11, 2000





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